

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

OASIS RESEARCH, LLC

v.

ADRIVE, LLC, ET. AL.

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Case No. 4:10-CV-435
Judge Schneider/Judge Mazzant

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On May 23, 2011, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that (1) Defendant GoDaddy.com, Inc.'s Motion for Transfer of Venue to the District of Arizona, or in the Alternative, for Dismissal of Claims Against Go Daddy for Lack of Jurisdiction and Improper Venue (Dkt. #104); (2) Go Daddy's Motion to Dismiss for Misjoinder (Dkt. #138); (3) Defendant Pro Softnet Corporation's Motion to Sever and Transfer Claims Against Pro Softnet to the United States District Court for the Central District of California, or in the Alternative to Dismiss (Dkt. #106); (4) EMC Corp., Decho Corp., and Iomega Corp.'s Motion to Dismiss for Misjoinder or, in the Alternative, to Sever and Transfer Claims to the United States District Court for the District of Utah (Dkt. #108); (5) Iron Mountain Incorporated and Iron Mountain Information Management Inc.'s Motion to Dismiss for Misjoinder or, in the Alternative, to Sever and Transfer Claims to the United States District Court for the District of Massachusetts (Dkt. #116); (6) Defendant Carbonite Inc.'s Motion to Sever the Claims Against Carbonite for Misjoinder and Transfer Those Claims to the United States District Court for the District of Massachusetts (Dkt. #124); (7) Defendant Nirvanix, Inc.'s Motion to Dismiss for Misjoinder and

Improper Venue, or in the Alternative, Motion to Transfer (Dkt. #175) should be denied.

The Court, having made a *de novo* review of Pro Softnet Corporation's Objections (Dkt. #214), Go Daddy's objections (Dkt. #216), EMC Corp., Decho Corp., and Iomega Corp.'s Objections (Dkt. #217), Pro Softnet Corporation's Notice of Joinder and Joinder in EMC Corp., Decho Corp., and Iomega Corp.'s Objections (Dkt. #218), Iron Mountain Incorporated and Iron Mountain Information Management, Inc.'s Notice of Joinder in EMC's Objections (Dkt. #219, #222), Carbonite, Inc.'s Objections (Dkt. #220), Nirvanix, Inc.'s Objections (Dkt. #221), Oasis Research, LLC's response in opposition to Defendants' Objections (Dkt. #230), Go Daddy's reply (Dkt. #233), EMC Corp., Decho Corp., and Iomega Corp.'s reply (Dkt. #234), Iron Mountain Incorporated and Iron Mountain Information Management, Inc.'s Notice of Joinder (Dkt. #235), Carbonite, Inc.'s Notice of Joinder (Dkt. #236), Pro Softnet Corporation's Notice of Joinder (Dkt. #237), and Nirvanix, Inc.'s Notice of Joinder (Dkt. #238), is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections are without merit. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this Court.

It is, therefore, **ORDERED** that the following motions are **DENIED**:

- Defendant GoDaddy.com, Inc.'s Motion for Transfer of Venue to the District of Arizona, or in the Alternative, for Dismissal of Claims Against Go Daddy for Lack of Jurisdiction and Improper Venue (Dkt. #104)
- Go Daddy's Motion to Dismiss for Misjoinder (Dkt. #138)
- Defendant Pro Softnet Corporation's Motion to Sever and Transfer Claims Against Pro Softnet to the United States District Court for the Central District of California,

or in the Alternative to Dismiss (Dkt. #106)

- EMC Corp., Decho Corp., and Iomega Corp.'s Motion to Dismiss for Misjoinder or, in the Alternative, to Sever and Transfer Claims to the United States District Court for the District of Utah (Dkt. #108)
- Iron Mountain Incorporated and Iron Mountain Information Management Inc.'s Motion to Dismiss for Misjoinder or, in the Alternative, to Sever and Transfer Claims to the United States District Court for the District of Massachusetts (Dkt. #116)
- Defendant Carbonite Inc.'s Motion to Sever the Claims Against Carbonite for Misjoinder and Transfer Those Claims to the United States District Court for the District of Massachusetts (Dkt. #124)
- Defendant Nirvanix, Inc.'s Motion to Dismiss for Misjoinder and Improper Venue, or in the Alternative, Motion to Transfer (Dkt. #175)

It is SO ORDERED.

SIGNED this 25th day of July, 2011.

A handwritten signature in black ink, reading "Michael H. Schneider", written over a horizontal line.

MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE